



**REGULAR MEETING MINUTES**  
**for**  
**Wednesday, March 26, 2003**  
**Council Chamber Boardroom – 4:00 P.M.**  
**and**  
**Art Pick Council Chambers – 5:30 P.M.**  
**3900 Main Street, Riverside, CA**

Present: Commissioners Brewer, Garcia, Gardner, Howe, Huerta and Ward

\*Absent: Davidson

\* As of this date, two seats were vacant.

**CASE REVIEW – 4:00 P.M.**

**Roll Call**

**Public Comment**

Mr. Gary Nagel addressed the Commission on Case No. 02-126.

**Closed Session – Case Reviews**

Pursuant to Government Code Section 54957, the Commission adjourned to Closed Session at 4:03 p.m. to discuss issues pertaining to PUBLIC EMPLOYEE PERSONNEL MATTERS.

<u>CPRC CASE NO.</u>	<u>IA CASE NO.</u>
02-114	PC-02-303-253
02-116	PC-02-311-219
02-126	PC-02-358-132
03-005	PC-03-013-007
*03-006	PC-03-016-189

\* Due to time constraints, this case was held over for the next case review meeting.

The Commission recessed at 5:25 p.m. to reconvene in the Council Chambers at 5:30 p.m.

## **OPEN SESSION – 5:30 P.M.**

**The following proceedings have been digitally recorded. For copies please call the CPRC office at (909) 826-5509.**

### **Roll Call**

Chairman Gardner led in the Pledge of Allegiance.

Chairman Gardner advised the audience that new CPRC officers had been elected, voting him in as chair and Commissioner Huerta as Vice-Chair. He thanked Commissioner Brewer for his service as chair over the past year.

### **Approval of Minutes**

Commissioner Howe moved to accept the minutes for the February regular meeting. Commissioner Huerta seconded the motion. Commissioner Ward moved to approve the minutes for the March 12 special / case review meeting. Commissioner Howe seconded the motion. Both motions passed unanimously.

Chairman Gardner asked Ms. Sherron to confirm commissioner attendance. He also noted that Commissioner Hendrick had tendered his resignation as of this date (March 26).

### **Executive Director's Report & Comments**

Mr. Williams stated that the CPRC currently has two vacancies due to the resignations of Commissioner Floyd and Hendrick. He said that he anticipates one vacancy being filled by the alternate, Mr. Bill O'Meara, with Council approval taking place as soon as possible.

Mr. Williams reported that all three officer-involved shooting cases are still at RPD. He said that one case is waiting for the Chief Leach to sign off on it. He noted that he had been given incorrect information previously when he'd been told that the case was already at the D.A.'s office.

Mr. Williams commented on plans to have workshops in order to address a number of issues. He said the tentative schedule is for sometime in May but will hold off because of the vacancies. He asked for commissioners to present ideas as to topics of discussion.

Mr. Williams introduced Troy Brown, Assistant to the City Manager, to the Commission.

Mr. Brown addressed the Commission. He said he had been to various boards and commissions in order to get a feel for what they are doing and to explain his role and how he can help facilitate things they are trying to do. He said that he comes from Santa Clarita and that he has eight years of various municipal experience.

## **Commissioner's Comments**

Commissioner Ward asked Mr. Williams if the Commission's private investigator has been able to interview any of the officers involved in the Muñoz case. Mr. Williams said no but that there have been statements given for the criminal investigation, which will be part of the D.A.'s report.

Commissioner Ward said he is concerned about the money being spent on investigations where the principals involved – the officers – are not being interviewed.

Mr. Williams asked that Commissioner Ward hold the question until after the full report is received and reviewed.

Commissioner Brewer asked if a letter to the City Manager, a copy of which was given to the commissioners, had already been sent to the City Manager. Chairman Gardner said it had. Commissioner Brewer asked when the Commission had voted on taking that action. Chairman Gardner said there was no vote regarding the sending of a letter but that this was addressed in the Trends and Patterns section of the annual report saying "those concerns have been documented in detail and forwarded to the City Manager and Police Chief for their review." Chairman Gardner said the letter is the document referenced in that section.

When Commissioner Brewer noted that the Police Chief wasn't copied, Chairman Gardner said that the City Manager's wants this type of correspondence to go through him rather than directly to the Chief. Commissioner Brewer said he didn't disagree with the letter but that he felt this type of correspondence should be approved by the Commission.

Commissioner Garcia asked that the Commission be informed as to the Chief's response. Chairman Gardner said he would keep the Commission informed as he received information.

Commission Garcia asked if and when the City Manager would be responding to the letter. Chairman Gardner said he didn't know, but any response, when received, would be shared with the Commission.

## **Public Comments**

There were no public comments at this time.

## **Discuss and Vote on Proposed Amendments Policies & Procedures**

Chairman Gardner noted that this item was carried over from the February regular meeting. He said that a portion of the drafted amendments was still waiting for some input from the City Attorney's office. He asked that this item be deferred to a future meeting. Commissioner Brewer moved to accept this proposal, which was seconded by Vice-Chair Huerta. The motion passed unanimously.

## **Discuss and Vote to Approve CPRC 2002 Annual Report**

There was discussion regarding minor corrections to the Commissioner Bio section. Commissioner Howe noted that with more incidents being digitally recorded on-scene by officers' digital audio recorders, he said he's noticed "more and more false complaints" against officers. He said he felt that something to that affect should be noted in the annual report stating that not all complaints are justified and that the recorders are good to have and that officers shouldn't fear them.

Vice-Chair Huerta said that she'd sent an email to staff making a similar statement regarding recorders.

Commissioner Ward had a question regarding the wording in note on the graph at the bottom Page 5. Chairman Gardner said that had been noted and was changed to read the same as the note for the graph at the bottom of Page 7. After discussion regarding the wording, the Commission agreed to the final version.

Commissioner Ward also had questions regarding the last paragraph on Page 5. Chairman Gardner said an incorrect sentence had been noted and this description of procedures now matched with that on Page 8.

Chairman Gardner went through each of the corrections or changes that had been made to the report. He then asked for public comment on this item.

**Mary Shelton** said that she had been studying the trends of complaints and findings for several years. She said that the sustained rate has always been below 10% and she said that she doesn't understand why, all of a sudden, there are more false complaints. She said she was "intrigued" by the fact that the not sustained findings have almost doubled in the last year.

She also said she is looking into an incident where officers initiated a citizen contact but left their audio recorders in the car because they were loading the recordings onto their MDT. She said she is not entirely convinced that it is a "regular thing that is going on," referring to officers always turning their recorders on when initiating a citizen contact.

Ms. Shelton also commented on an issue raised in a Press-Enterprise article regarding problems with field officer supervisors and their ability to be objective and unbiased when conducting investigations of their subordinates actions.

**Carrie Madrid** thanked Commissar Howe for his comments regarding false complaints made against officers. She asked that the Commission deal "just as severely with the person that's made that false complaint as you do with the officer if it's sustained." She noted that Corona police officers have sued citizens who have filed false complaints against them and have won. She said that all her dealings with officers have been positive and that she has never seen the officers "lay a hand" on any of the people with whom she has had problems, although officers have arrested a couple them. She said she can't "abide" someone being "ticked" at an officer and filing a complaint just because the officer was doing his job. She said she wants citizens to know that they are liable for filing false complaints against police officers.

Chairman Gardner told Ms. Madrid that the Commission has no authority to implement anything against a citizen because of a false complaint. He also told her that the Commission has nothing to do with officer discipline. He told her that if the City's position on an allegation is sustained, the Chief and only the Chief, determines the discipline. He also noted that there is State law that allows prosecution for filing a false complaint.

Vice-Chair Huerta moved to accept the annual report with the addition of verbage to the Trends and Patterns portion dealing with audio recorders, including the changes that had been discussed. Motion seconded by Commissioner Howe. The motion passed unanimously.

### **Discuss and vote on recommendation to RPD Policy and Procedures**

The Commission recommended that Policy 4.60 be modified so that all citizen contacts by officers are

recorded.

After some discussion, Commissioner Ward made the motion to accept the recommendation and Commissioner Garcia seconded. The motion passed unanimously.

The Commission adjourned at 6:32 p.m.

Respectfully submitted,

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PHOEBE SHERRON  
Sr. Office Specialist